

# ADE DAILY NEWS CLIPS

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## **Browner: The art of legislating, Commentary (Log Cabin Democrat, Conway)**

Let's start this column with the kind of quote that usually would appear at the end: "To me that's the art of legislating," Key said. "I go into it with what I want, what I think is best, understanding that it's give and take. I've seen examples of an all or nothing approach that, in the end, end in failure."

"Key" is Sen. Johnny Key, R-Mountain Home, and the legislation he's referring to is The Public School Choice Act of 2013.

Passed during this past legislative session, it allows Arkansas schoolchildren to transfer to another school district without moving away from home. But it has some important restrictions. For example, no district can lose more than three percent of its population, the effects of the law must be studied, and the entire law must be reconsidered at the end of two years.

The Public School Choice Act of 2013 exists because the Public Choice Act of 1989 was declared unconstitutional by a district court last year. That act didn't cap nonresident student transfers, but there was a catch: Students couldn't transfer to a district with a higher percentage of the student's race than the one they were leaving. In other words, a white kid couldn't go to a whiter district unless his family moved.

That was meant to prevent racial resegregation. But a group of parents in Malvern who wanted to transfer their students outside the district sued. The court said the state couldn't base transfers on race and threw out the whole law.

The ruling was under appeal when the legislative session started, but no one knew when the decision would come. Many in the education establishment wanted to wait, but legislators felt it was important to address the issue before the next school year begins.

Key's original bill would have allowed virtually unlimited transfers, and by the middle of the session, he probably could have passed it, at least in the Senate. There were nine members of the Senate Education Committee, and four of them had joined him as co-sponsors.

But opponents of the measure testified that unlimited transfers would result in rapid resegregation and a return to white and black schools in parts of the state. Dr. Bob Watson, longtime superintendent of the El Dorado School District, said white parents absolutely would transfer their children out of his majority black district because of race, even if it meant forgoing the free college tuition promised El Dorado students by Murphy Oil. "You're going to have to make that classroom whiter, or I'm leaving," one parent had told him.

In response to those concerns, Key added those amendments restricting transfers to three percent and sunsetting the law in two years.

Key told me as the session was winding down that he still believed that his original, unlimited school choice bill would not have led to white flight. He said parents will make the right educational choices for their children and that Arkansas has moved mostly beyond its racially segregated past.

Is he right, or is Watson? At this point, the answer is not so important because Key's legislation addresses the concern. A district can lose only three percent of its students, and the law is only good for two years. If we learn by 2015 that the three percent in most districts has been made up of only white students with a waiting line behind them, then the law can be changed with a minimum of hard feelings. And if Key is right about Arkansas' progress, and hopefully he is, then the law can be expanded, and he'll end up accomplishing most of what he hoped to do in the first place.

That's the art of legislating. It doesn't have to be all or nothing. In fact, it's often better if it's not. Congress, are you paying attention?

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### **NEA Food bank can continue program with new grant (KAIT, Jonesboro)**

JONESBORO, AR (KAIT) - The Food Bank of Northeast Arkansas received a grant on Monday that will help feed the children of Region 8.

The Arkansas Community Foundation awarded the food bank \$1,000. This was made possible through the St. Francis County Community Foundation.

The money will be used at the Forrest City School District.

Vicki Pillow is the Director of Development for the Food Banks and said while this money will be a big help to the students in that area, there are a lot of children still waiting for help.

"We have schools that have been asked to be on the Backpack Program. It is a funded program so we add them as we can. We certainly want to make sure that when we add students that we can sustain the program and if they need it for 8 years that the student stays on the program for 8 years", Pillow said.

520 students from 9 different schools are currently on the program.

The Food Bank staff is already working on re-supplying the food needed for next year's school year.

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## **Watson Chapel School Board to continue with school choice (Pine Bluff Commercial)**

The Watson Chapel School District Board of Directors agreed to maintain its participation in the Arkansas school choice law for another year before making any decisions on whether or not to opt out of the measure.

“The state legislature passed a law that allows for open school choice for the entire state of Arkansas,” district superintendent Danny Hazelwood said to the board. “We as a district benefited from the old school choice law. As it stands now we have 25 students petitioning to leave the district and another 31 students petitioning to come here.”

Hazelwood said that the majority of the students asking to leave the district are white and are petitioning to attend the White Hall School District.

“Because the Watson Chapel district is still under a court desegregation order we can opt out of the new school choice law,” Hazelwood said. “This would mean that none of the students attending this district could petition to leave and no students attending other districts could petition to come to school here. Only siblings could transfer in or out of the district.”

Hazelwood said that under school choice the school district has not lost as many students over time as it likely would have.

### **Expulsions**

The board approved separate recommendations from Hazelwood to expel four female Watson Chapel High School students for the remainder of the 2012-2013 school year and for the first semester of the 2013-2014 school year.

Each student was expelled for fighting, disorderly conduct, and violent group activity that caused injury to a Watson Chapel staff member.

By a 5-2 vote of the board a fifth female Watson Chapel High School Student was expelled for the remainder of the 2012-2013 school year and ordered to serve an in-school suspension for the first semester of the 2013-2014 school year in lieu of the original recommendation that she also be expelled for the fall 2013 semester.

### **Personnel**

The board approved employment recommendations from Hazelwood to hire Ashlyn Crow as a speech language pathologist; Rachel Maslakov as an elementary teacher; Shelby Cobb as a chemistry/physics teacher; Linda Ticey as a cafeteria worker; Diana Walker as a cafeteria worker; and Monica Ortiz as a substitute cafeteria worker.

The board accepted retirement notices from Eddie Downing, Tana Pointer, Marylyn Wright, Marcie Brock, Sue Jones, Kathy Jones and Debbie Stone.

The board accepted the resignation of Sara Jones.

#### Financial report

Hazelwood said that for the month of April the district received \$1,842,150 and spent \$1,689,134 with an ending balance of \$7,143,981.

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### **Leader of Teachers' Cheating Ring in Memphis Gets 7-Year Term (New York Times)**

Clarence D. Mumford Sr., a former teacher and assistant principal in Memphis, was sentenced Monday to seven years in federal prison for orchestrating a scheme to help teachers cheat on certification exams.

Mr. Mumford, who worked in the Memphis City Schools district for more than two decades, initially refused a settlement offer on conspiracy and aggravated theft charges. But he pleaded guilty to the two counts of a 63-count indictment in February, and in Federal District Court on Monday, Judge John T. Fowlkes of the Western District of Tennessee handed down the prison sentence and ordered him to pay a \$167,339 fine.

Prosecutors said that for 15 years, Mr. Mumford had doctored driver's licenses and enlisted teachers to impersonate others in Arkansas, Mississippi and Tennessee at exams that many states require for teaching licenses.

A sweeping federal investigation found that Mr. Mumford's scheme involved 36 people, including Mr. Mumford's son, Clarence Jr., who had a stand-in take a test for him, and Cedrick Wilson, a former wide receiver for the Pittsburgh Steelers who worked as a substitute teacher in Memphis. Between 1995 and 2010, prosecutors said, the senior Mr. Mumford collected more than \$120,000.

At the hearing on Monday, two witnesses told Judge Fowlkes that they had paid Mr. Mumford thousands of dollars for someone to take a test on their behalf. Another witness, Devin Rutherford, the head coach at White Station High School in Memphis, said he had taken tests for others and been paid by Mr. Mumford.

Mr. Mumford is the ninth defendant in the case to be sentenced. Three others, including Mr. Mumford's son, are awaiting sentencing. The longest sentence other than Mr. Mumford's was an eight-month term given to John Bowen, a substitute teacher from Memphis who took several exams on behalf of others.

Coleman W. Garrett, Mr. Mumford's lawyer, did not respond to requests for comment.

In a telephone interview, Edward L. Stanton III, the United States attorney for the Western District of Tennessee, said that Mr. Mumford was motivated by "greed and financial gain."

"We believe his brazen conduct spoke volumes about his disregard for the educational system," Mr. Stanton said.

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## **State retains control of 2 school districts (Arkansas Democrat-Gazette)**

The Arkansas Board of Education on Monday extended state control over the financially troubled Pulaski County Special and Helena-West Helena school districts for a third year, exercising the terms of a newly amended statute.

“We felt very strongly the two districts weren’t ready for release at this time,” Arkansas Education Commissioner Tom Kimbrell told the Board of Education about the school systems that lost their locally elected school boards and superintendents in 2011 because of audit findings of mismanagement and declining year-end balances.

Act 600 of the just-ended 2013 legislative session permits the state to retain control of a district in the state’s fiscal distress program for longer than two years if a district is making progress toward correcting its financial problems but has not resolved all the problems that caused the initial “distress” classification.

Previously, the state Education Board was legally mandated after two years to either release the district to local control or take other action that included reconstituting the district or merging it with another school system.

The Education Board also authorized Kimbrell on Monday to appoint a community advisory board in each of the two districts, which he said he will do in the coming weeks with recommendations from legislators, mayors and others in the affected communities.

The amended law states that if the state Education Board determines that sufficient progress has been made by a district that remains under state control, the commissioner - with the approval of the state board - may appoint a community advisory board of either five or seven members to serve in the district. The duties of the community advisory board will include conducting personnel hearings and hearings on student disciplinary matters.

Kimbrell said the advisory boards may also make recommendations to the district administrators and to the state Department of Education about matters regarding district operations, including facility improvements. He told the Education Board he would present the names of the advisory community boards in June.

State Education Board member Vicki Saviers of Little Rock pressed Kimbrell for details about progress in the two districts and their likelihood for success.

Saviers noted the efforts by Jacksonville and other communities - Maumelle and Sherwood - to break away from the 18,000-student Pulaski County Special system.

Patrick Wilson, an attorney for the Jacksonville organization that is working toward the establishment of a new Jacksonville/North Pulaski County school system, had addressed the board about its plans earlier in the meeting.

Planners for the Jacksonville district intend to present a petition signed by as many as 2,000 area residents to the state board in June asking that the board set a date for a special election on forming a new district.

“Do we need to be thinking about this in a bigger way?” Saviers asked Kimbrell about the future of the Pulaski district, suggesting that a broad restructuring of the doughnut-shaped district should be considered.

“Do we need to look at other options for Pulaski County?” she said. “Are we missing the forest for the trees? Are we trying to prop up a district?”

Kimbrell answered to the contrary, saying that the Pulaski County Special district - with the leadership of state-appointed Superintendent Jerry Guess - is improving.

“Teachers, support staff and everyone involved have put their shoulders to the flywheel and begun the momentum,” Kimbrell said.

“They have a bright future. I don’t think this board needs to be considering [breaking up the entire district] if we are seeing the kinds of student gains and financial stability that we are seeing in just two short years. Something that large takes a little while to get to turn around,” he added about the system. “And it’s turned around. It’s moving in the right direction.”

The district, which has an operating budget of about \$170 million, is projected to end this school year with as much as \$16 million in balances. That is partly the result of a change in state accounting procedures that added about \$15 million in one-time revenue, plus savings from staff reductions and changes in employee contract benefits.

Bill Goff, the district’s chief financial officer, said Monday that the district, which has gained enrollment, must continue to prepare for the possible loss of \$20 million a year in state desegregation aid as well as make improvements to school buildings.

The state took control of the Helena-West Helena School District in June 2011. At the time, Education Department officials were concerned that the Phillips County district had beefed up its bottom line by paying \$2.7 million in salaries using onetime funds provided through the American Recovery and Reinvestment Act.

They were also concerned about a March 2010 audit that found that the district improperly disbursed \$34,781 to district personnel and board members between July 2008 and November 2009.

The district has made many changes since, and it has held “revival” meetings to encourage community input and support in the turnaround plan, Kimbrell said Monday.

In response to a question about progress from Saviers, Kimbrell said the one-year extension of state control is appropriate.

"The next step is either this or consolidate or annex them, and we don't believe there is a viable option there that would be in the best interest of the students," Kimbrell said about the east Arkansas system.

"There is progress being made," he said. "This is the first year ever that they have met every accreditation standard - at least in five or six years," he said.

Among the largest changes in Helena-West Helena was the reduction from five campuses to three during the 2012-2013 school year due to declining enrollment. The district's enrollment dropped from 2,565 students in 2008-2009 to 1,654 students during the 2012-2013 academic year, according to Education Department data.

The district has also reduced its staff and refunded bonds to pay for needed building repairs, according to an updated fiscal distress improvement plan. But it has not sufficiently addressed audit findings or created policies to monitor and control financial transactions, the plan said.

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### **3 school charters to change hands (Arkansas Democrat-Gazette)**

The State Board of Education on Monday approved changing the sponsoring organization for three charter schools that will open in August in Little Rock, Pine Bluff and Bentonville.

The board also voted to allow location changes for the new school in Bentonville and for two existing charter schools, both of which are in Little Rock.

Responsive Education of Arkansas was approved in November to be the sponsoring organization for the new Premier High School on the grounds of Arkansas Baptist College in Little Rock, the Northwest Arkansas Classical Academy in Bentonville and Quest Middle School of Pine Bluff, all to open in August.

But Responsive Education of Arkansas has been unable to attain the required 501(c) (3) nonprofit status from the Internal Revenue Service because of a backlog of work at the federal agency, Chris Baumann, an attorney for Responsive Education Solutions of Lewisville, Texas, told the state board.

As a result, the three Arkansas charter schools have been experiencing legal, operational and financial difficulties that threaten the planned opening of the schools, Baumann said. The schools have been unable to join the state public school computer networks for financing and academics, he said. They can't set up bank accounts, can't purchase from state vendors, can't receive federal grants, can't arrange to be part of the federal-child nutrition program, and can't fingerprint and hire teachers.

"There is a whole trickle-down effect by not having this 501(c)(3) in place and, according to statute, we cannot open on Day 1 with students until we have the 501(c)(3)," Baumann said.

He proposed making the existing Responsive Education Solutions organization - the parent organization to Responsive Education Solutions of Arkansas that does have nonprofit status - the sponsoring organization for the three schools. The state board approved his proposal.

Responsive Education Solutions, which operates some 65 charter schools primarily in Texas, will only have to register with the Arkansas secretary of state's office as a foreign corporation doing business in the state, Baumann said, and then can proceed with efforts to open the schools.

The state board also approved a change in location for the Northwest Arkansas Classical Academy in Bentonville.

The school, originally planned for 5121 Southwest Runway Drive, now will be located at 1302 Melissa Drive. The academy is designed for pupils in kindergarten through eighth grade, initially. One grade a year will be added until as many as 685 students are enrolled in kindergarten through 12th grades.

Baumann told the board that the initial site would accommodate only 300 students. The new site will accommodate all 445 pupils allowed by the charter for the school's first year of operation. The school received nearly 1,000 applications earlier this year for the 2013-14 school year, he said.

Questioned by state board member Sam Ledbetter about the new site's close proximity to a Benton County jail facility, Baumann said that the school and the jail are both in the midst of town and are not isolated. He said the school will put into place security measures, including a "visitor management" system.

The state board on Monday also approved location changes for the Little Rock Preparatory Academy and School for Integrated Academics and Technologies Charter High School.

The Little Rock Preparatory Academy charter school, which has been operating for four years in a Liberty Hill Missionary Baptist Church building at 12th and Schiller streets, will move 1.5 miles away to 1616 South Spring St. for the coming year.

The Spring Street site is the former Cathedral School that was operated by Trinity Episcopal Church until the school recently closed.

The charter school serves about 250 children in kindergarten through fourth grades at the Liberty Hill Church but the lease expires June 30 and the church wants to use the building for other purposes, Benjamin Lindquist, executive director of the school, said.

The new site would meet parent and staff requests for more amenities, such as a gymnasium, playground and larger cafeteria, while remaining within the boundaries of the school's service area of central Little Rock, Lindquist said.

The lease for two classroom buildings and an administrative building would be for 10 years at a proposed annual rate equivalent to 11 percent of per pupil operating revenue.

SAITech Charter High School is moving from its location at the Little Rock Job Corps Center, 6900 Scott Hamilton Drive in Little Rock, to 8101 Interstate 30 Frontage Road, also in Little Rock.



The open-enrollment charter school was originally established two years ago to serve Little Rock Job Corps clients who had not yet received a high-school diploma as well as community members who are over-age and lack credits to graduate from a traditional high school.

Laurie Pianka, director of education for the national SIATech organization, told the state board that the move was prompted by Job Corps no longer allowing students from the community to attend classes on the Job Corps campus. At the same time, the number of students among the Job Corps clients is declining because the overall number of Job Corps participants has dropped.

The school at its new location will continue its partnership with the Job Corps, Pianka said.

The school, which can serve up to 275 students, is leasing 12,000 square feet from the Clifton Family, LLLP & VC Group, LLC of North Little Rock at a cost of \$4,750 per month for the first two years of the 60-month agreement. The rent will increase 2.5 percent a year beginning in the third year.

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## **Laws spur changes on school transfers (Arkansas Democrat-Gazette)**

The State Board of Education adopted emergency rules Monday to align two of its school-transfer policies with recent changes in state law.

The board also voted to seek public comment on permanent rule revisions related to the Arkansas Public School Choice Act of 2013 - a subject of current court discussions - and another recently amended law that allows students to transfer out of districts deemed "academically distressed."

"The laws have already taken effect, and it's important to get these rules out there quickly," said Lori Freno, an attorney for the Arkansas Department of Education.

The Arkansas Public School Choice Act of 1989 - repealed by legislators in an act signed by Gov. Mike Beebe on April 16 - allowed students to transfer out of their resident school districts with a few exceptions. Those exceptions included a prohibition of such transfers if the percentage of enrollment for the student's race in the new district exceeded that percentage in the student's resident district.

A federal court last year deemed that racial restriction unconstitutional and struck down the entire law as a result. That decision - the subject of an undecided appeal at the 8th U.S. Circuit Court of Appeals in St. Louis- led lawmakers to replace the law.

The Arkansas Public School Choice Act of 2013 replaces the broad racial restriction with a provision that allows a district to opt out of allowing transfers if the district "is subject to the desegregation order or mandate of a federal court or agency remedying the effects of past racial segregation."

Districts have until Friday to notify the department if they consider themselves exempt, according to a memorandum from department attorney Jeremy Lasiter. By Monday, eight districts had declared an exemption: Blytheville, Camden-Fairview, Cutter Morning Star, El Dorado, Hope, Junction City, Lake Hamilton and Mountain Pine.

The new law also limits school-choice transfers to 3 percent of a district's enrollment and allows districts to set limitations if they don't have adequate facilities or teaching staff to add students.

At the suggestion of board member Sam Ledbetter of Little Rock, the board revised the rules it created to comply with the law, adding a stipulation that families with denied transfer requests will be provided with notice of their right to appeal to the state board.

The board on Monday also adopted emergency rules related to the Arkansas Opportunity Public School Choice Act, revised in the spring legislative session. That act allows students to transfer out of districts deemed "academically distressed" by the state board and into districts that do not have that designation.

The Lee County and Strong-Huttig school districts are in academic distress, which places them in jeopardy of losing their superintendents, their boards and even their districts if they don't show academic improvement within two years. In the short term, the districts will be subject to greater state intervention in their instructional programs.

They were the first two districts to be classified in academic distress under a new agency rule that targets districts in which 49.5 percent or fewer students - based on a three-year average - score at proficient or better levels on the Benchmark and End-of-Course exams. Students who score at proficient levels on the state tests are considered to be achieving at grade level.

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## **Board OKs merger of two districts, removes district from fiscal distress (Pine Bluff Commercial)**

LITTLE ROCK — The state Board of Education on Monday approved the voluntary annexation of the Bradley School District to the Emerson-Taylor School District in southwestern Arkansas and removed the Drew Central School District in southeastern Arkansas from fiscal-distress status.

Bradley Superintendent Oscar Moore told the board the district has a student enrollment of 357 and likely would be forced to merge with another district in a few years anyway. Under Arkansas law, if a public school district's enrollment drops below 350 for two consecutive years it must be merged with another district.

The Bradley School Board has voted to support annexation, Moore said.

Gary Hines, superintendent of the Emerson-Taylor district, said that district's board also has voted to support annexation.

The Bradley district is in southern Lafayette County. The Emerson-Taylor district is in the southern part of neighboring Columbia County.

The Lafayette County School District opposed the request. Lafayette Superintendent Mark Keith told the board that annexation with Lafayette, in the northern part of the county, ought to be considered.

The board voted to remove the Drew Central School District from fiscal-distress status after state Department of Education officials said the district has corrected the issues that led to it receiving that classification for the 2012-13 school year.

The board voted to continue fiscal-distress status for the Helena-West Helena District, which has been on that status since September 2010 and was taken over by the state in June 2011.

The board also continued fiscal-distress status for the Pulaski County Special School District, which was placed on that status in May 2011 and was taken over by the state a month later.

Both districts have made progress, but neither has resolved all of the issues that led to fiscal distress, education officials said.